

REMARKS

Claims 28-47 are in this application. No new claims are added and no claims have been amended.

Claim Rejections - 35 USC s. 103

Claims 28-42 were rejected under 35 USC s. 103(a) as being unpatentable over Applicant's admission of prior art in view of Eberle (US 5,215,211). Applicant respectfully traverse this rejection. Applicant showed the prior art housing of an electrolysis cell in an electrolysis system to illustrate the present difficulty of readily removing and replacing the electrolysis cell because the entire system is all in one compartment. Applicant also showed the construction of the current electrolysis cell to clearly differentiate this from the proposed electrolysis cell. To take these prior art in view of Eberle and find Applicant's invention as obvious is not proper because Eberle neither taught nor suggested the claimed invention. The device in Eberle is a sheet material dispenser which has no properties comparable to the electrolysis cell and has no stringent requirement on the degree of movement allowed when sheets of materials are dispensed from an opening. The user merely pulls those sheets from the dispenser without exercising care. Further, this sheet dispenser is not part of a complex

system where connections to other parts makes it difficult to remove or replace it at will, not mentioning the additional electric circuitry that is present in an electrolysis system. Applicant here proposes to house this electrolysis system in a cabinet that would separate the electrolysis cell from the rest of the system and additionally, modify a panel holding the anode and cathode chambers to an L-shaped panel to achieve several advantages. Further, the L-shaped panel must be applied in combination with the sliding tracks or clip-ons either at the base or at the top wall of the separate compartment housing the electrolysis cell. The panel was not designed to have an L-shape just to have a surface for attaching the cell into the compartment. The combination of the L-shaped panel together with the track or clips keeps the electrolysis cell from being mounted on a side wall (back wall in Eberle), an aspect that is opposite to the teaching of Eberle. The L-shaped panel which is usually used as the back panel for the cell allows ample space between the electrolysis cell and the back wall of the container. Having a space between the side walls and the electrolysis cell provides the advantage of being physically able to clean the space surrounding the electrolysis cell without the need of removing the cell. Further, the clips or tracks allow the cell to be pushed inwards or backwards at locations desired by the user rendering flexibility in position. The electrolysis cell, unlike

the sheet dispenser can not tolerate a lot of movement (such as tilting) during operation, as stated in [0030], page 13, lines 4-6 and the panels must press on the anode and cathode chambers with sufficient pressure to prevent any fluid from flowing between the chambers. An L-shaped panel meets these requirements because the vertical member is a flat rectangular solid piece that has a surface area greater than the chambers and therefore could press adequately on the chambers unlike a bracket as used in Eberle where only a portion of the chambers will be pressed which could result in an uneven flow. The horizontal member connecting to the vertical member, hence taking an L-shape, provides the added stability to the cell when it is mounted on the base or on the top of the compartment by the clips and tracks, this in addition to enabling the electrolysis cell to situate at a distance from the walls of the compartment.

In contrast, the only aspect in Eberle that is remotely related to the claimed invention are the L-shaped bracket slidably mounting on the back wall of the container by U-shaped mounting brackets. The L-shaped bracket in Eberle is, as it is called and shown, a mere bracket which is used to suspend a stabilizing bar that connects to the L-shaped bracket by a screw. In Eberle, the L-shaped bracket is merely a holder that suspends a vital component of the sheet dispenser which is the stabilizing bar. In the claimed invention, the L-shaped panel is a vital

component of the electrolysis cell. To find any L-shaped component whose purpose is different and assert that this teaches or suggest any other L-shaped component used for a different purpose merely because they are shaped similarly is improper.

Further, as stated above, the L-shaped bracket in Eberle is slidably mounted on the back wall of the container by U-shaped mounting brackets. The clips or the tracks in the claimed invention is not U shaped and they do not hold or mount the electrolysis to the back wall of the compartment. Also, the L-shaped bracket in Eberle stays in one position because the bracket is not free to travel beyond the stop ledge (col. 5, lines 49-51) unlike the L-shaped panel allowing the electrolysis cell to slide to and from the side walls of the compartment with the aid of the clips and track.

It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior so that the claimed invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992).

Claims 29-35 and 37-42 are dependent claims. Examination of patentability must consider all the limitation of the main claim from which it depends on. Since the limitations of the main claim has not been taught nor suggested by Eberle, this rejection is improper.

Claim 36 applies to other systems similar to the electrolysis cell where passage of electric current is involved.

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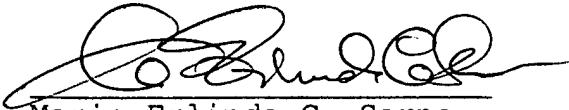
Claim Rejections - 35 USC s. 103

Claims 43-47 were rejected under 35 USC s. 103(a) as being unpatentable over Applicant's admission of prior art in view of Eberle (US 5,215,211) and Eki et al (US 5,846, 390).

Applicant has amply shown that the invention is not obvious in view of Eberle. The separation of the filter member in a separate compartment is not the same as claiming a filter member as a component of the electrolysis system. The housing of Claim 43 should be taken or examined as a whole and not whether separating the filter member is obvious. Claims 44-47, like claims 31-33, are dependent claims. Examination of patentability must consider all the limitation of the main claim from which it depends on. Since the limitations of the main claim has not been taught nor suggested by Eberle and the invention of Eki is on an electrolyzer and not on a housing for an electrolyser, this rejection is improper.

In view of the above remarks, it is respectfully submitted that the claims are in condition for allowance. In the event that there are any problems which can be expedited by telephone conference, the Examiner is invited to telephone the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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